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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

January 11, 2016

Captain Steven Katz
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 15-0138
L.A.S.D. File # 015-02640-0372-011

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 26, 2015, fatal shooting of Victor Terrazas by Los Angeles County Sheriff Deputies Lawrence Swanson, [redacted] Cesar Valiente, [redacted] Joshua Short, Matthew Thompson, [redacted] and Stephen Johns. It is our conclusion that the deputies acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on March 26, 2015, at approximately 3:35 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Delport and District Attorney Senior Investigator [redacted] responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Sergeant Troy Ewing and Detective Theodor Bajlet, LASD, Homicide Bureau. The deputies provided voluntary statements which were considered as part of this analysis.

FACTUAL ANALYSIS

On March 26, 2015, at approximately 1:14 a.m., uniformed LASD deputies responded to [redacted] 06th Street in the unincorporated area of Los Angeles regarding an assault with a deadly weapon call. Deputies [redacted] and [redacted] responded to the location and discovered the body of a gunshot victim located in the alley north of the address. After speaking with an eyewitness, [redacted] advised responding deputies over the radio that there was a gunshot

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victim and provided a suspect description, his last known direction of travel and that he was armed with a 12 gauge shotgun.

Deputy Lawrence Swanson and his partner, [redacted] responded to the call and began checking the area for the suspect. As [redacted] drove past an alley crossing 102nd Street, Swanson looked south and observed a male holding a shotgun in his right hand.[1] Terrazas was walking southbound in the alley with his back to the deputies. Swanson advised [redacted] of his observations and told him to stop the patrol vehicle.

Swanson and [redacted] exited the patrol car and approached the mouth of the alley. Swanson pointed his service weapon at Terrazas, illuminating him with a light mounted atop the firearm. Terrazas stopped and turned toward the deputies. Swanson ordered Terrazas to drop the gun. Terrazas ignored the order and fired the shotgun at Swanson and [redacted] Swanson saw the muzzle flash and felt the force of the shotgun blast coming toward him. In fear for their lives, Swanson and [redacted] returned fire with their service weapons. Terrazas fired at least one additional round before falling to the ground. Swanson and [redacted] detained him at gunpoint.

Swanson broadcast that he had been involved in a shooting and requested additional units and an airship to respond to their location. Swanson advised the responding deputies that Terrazas was "down" but still armed with a shotgun. Once the assisting deputies arrived, Swanson formulated a plan to approach Terrazas to take him into custody and to render any necessary medical aid.

Deputies Matthew Thomspon and Joshua Short led the arrest team into the alley carrying ballistic shields. Deputies Cesar Valiente and [redacted] followed armed with department issued semiautomatic rifles. Deputy [redacted] followed with a department issued 12 gauge shotgun. Deputy Juan Leal armed himself with a stun bag shotgun and Deputy [redacted] with his taser. Deputies [redacted] and Stephen Johns were designated as "hands on" deputies, tasked with physically taking Terrazas into custody.

Terrazas was lying on his back 20-30 feet south in the alley. The shotgun lay within arm's reach on Terrazas' right side with the barrel pointed in the direction of the deputies. The arrest team walked along the driver's side of a marked Chevrolet Tahoe driven by Sergeant Robert Chism, using it for cover as they entered the alley. [redacted] repeatedly yelled, "Sheriff's Department! Don't Move!"

Initially, Terrazas did not move. However, as the deputies approached Terrazas, Terrazas began to move in the direction of the shotgun.[2] In an attempt to halt Terrazas' movement, Leal fired

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[1] The male was later identified as Victor Terrazas. During the subsequent investigation, it was determined that Terrazas and the gunshot victim, [redacted] lived [redacted] and had been [redacted] for three to four years. Their residence is a [redacted] minute walk from where [redacted] body was discovered. [redacted] sustained a large grazing wound to the right side of her head and a penetrating gunshot wound to the back of her head.

[2] A number of deputies personally observed Terrazas moving while others heard the deputy observer in the airship broadcast that Terrazas was moving and/or reaching for the gun.

two rounds from his stun bag shotgun. The non-lethal rounds struck Terrazas, but had no effect. Terrazas continued moving and reached his arm toward the shotgun.[3] Fearing that Terrazas would arm himself with the weapon in an attempt to shoot and kill them, Valiente, [redacted] Short, Thompson, [redacted] and Johns fired their weapons at Terrazas until he stopped reaching for the shotgun. The deputies completed their approach and took Terrazas into custody.

Personnel from the County of Los Angeles Fire Department responded to the alley and pronounced Terrazas dead at the scene. A subsequent autopsy ascribed his death to multiple gunshot wounds.

Firearm and Ballistic Evidence

Terrazas was armed with a High Standard, 12 gauge, pump action shotgun. The action was to the rear, the chamber and magazine tube were empty and the safety was to the off position.

Two fired Winchester, 12 gauge shotgun shells with a red hull were recovered in the alley.[4]

Six live Winchester, 12 gauge shotgun shells with a red hull were recovered in the alley just west of Terrazas' left side.

Eight live Winchester, 12 gauge shotgun shells with a red hull were recovered from Terrazas' left front pants pocket.

Two fired Winchester, 12 gauge shotgun shells with a red hull were recovered at the homicide scene in the alley north of [redacted] 106th Street. Four live Winchester, 12 gauge shotgun shells with a red hull and an empty box of Winchester shotgun shells were also recovered in the alley.

The headstamps on the live shotgun shells recovered in Terrazas' pocket and in the alley where the deputy involved shooting occurred matched the headstamps on the live shotgun shells recovered at the homicide scene.

An empty rifle case was recovered from Terrazas and [redacted] bedroom.

Statement of [redacted]

[redacted] was awakened by her [redacted] talking to 9-1-1 about something that occurred in the alley adjacent to her residence. [redacted] looked outside the living room window and observed a male standing over a woman lying on the ground pointing a shotgun at her. The man shot the female then slowly walked out of view in the alley. [redacted] also called 9-1-1 to

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[3] Some deputies stated that Terrazas reached his right hand toward the shotgun while others said that Terrazas rolled to his right and reached toward the gun with his left hand.

[4] [redacted] was armed with a Remington, 12 gauge shotgun. An examination of his weapon determined that he fired three rounds. Three fired Remington, 12 gauge shotgun shells were also recovered in the alley.

[redacted] is fourteen-years old.

report the shooting. The man was wearing dark pants and a long sleeve red sweater, possibly with a hood, with some writing on the front.[6]

LEGAL ANALYSIS

CALCRIM No. 505 states:

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed the following:

(1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury;
(2) that the immediate use of force was necessary to defend against that danger; and
(3) that he used no more force than was reasonably necessary to defend against that danger.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say that he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App. 2d 575, 589.

The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others". *Munoz v. City of Union City* (2004) 120 Cal.App. 4th 1077, 1102.

Actual danger is not necessary to justify the use of force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon these circumstances. The right to self defense is the same whether the danger is real or apparent. *People v. Toledo* (1948) 85 Cal.App. 2d 577, 580.

CONCLUSION

The evidence examined shows that prior to the deputy involved shooting, Victor Terrazas shot and killed his [redacted] with a shotgun in an alley near their [redacted] Deputies Swanson and [redacted] responded to the 9-1-1 call and located Terrazas walking in a nearby alley carrying the loaded shotgun. Terrazas ignored Swanson's order to drop the weapon and fired at the deputies. In fear for their lives, Swanson and [redacted] returned fire. Terrazas fell to the ground, the shotgun landing within his reach. A group of deputies tactically approached Terrazas in the alley, repeatedly ordering him not to move. The deputies were aware that Terrazas was suspected of shooting someone and had fired at Swanson and [redacted] when they attempted to detain him. Terrazas ignored the multiple commands and moved toward the shotgun. An attempt to use non-lethal force was ineffective. Terrazas continued to reach for the weapon. Terrazas' actions placed Deputies

[6] Terrazas was wearing a red-hooded "USC" sweatshirt and gray colored sweat pants.

Valiente, [redacted] Short, Thompson, [redacted] and Johns in reasonable fear for their lives, and the lives of their fellow deputies, and they responded with deadly force.

We conclude that Deputies Swanson, [redacted] Valiente, [redacted] Short, Thompson, [redacted] and Johns acted in lawful self-defense and defense of others when they used deadly force against Victor Terrazas. We are therefore closing our file and will take no further action in this manner.

Very truly yours,

JACKIE LACEY
District Attorney

By *Deborah A. Delport*

DEBORAH A. DELPORT
Deputy District Attorney
(213) 974-3888

c: Deputy Lawrence Swanson, #[redacted]
Deputy [redacted] #[redacted]
Deputy Cesar Valiente, #[redacted]
Deputy [redacted] #[redacted]
Deputy [redacted] #[redacted]
Deputy Joshua Short, #[redacted]
Deputy Matthew Thompson, #[redacted]
Deputy [redacted] #[redacted]
Deputy Stephen Johns, #[redacted]